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Again, we shall be primarily concerned with the evolution of legal doctrines, but shall try to illustrate by real examples some of the political and economic causes and effects of those rules that are under our examination."

As to the manner in which all this well planned work is done, we would gladly illustrate it by quotations, but there is no more room for that. One remarks everywhere a mastery of the subject, a knowledge of the sources, a temperate judgment in using them, and an unrivalled skill and felicity in exposition and statement. For a good specimen of all these qualities let us commend the reader to the pages, at the beginning of Chapter IX. in the second volume, which deal with the Forms of Action. Never was learned legal discourse so delightfully or more profitably carried on. Always the style is that of a master; for, with all its subtle stimulus of pleasure, it is a mere handmaid to the thought.

We are glad to hear that the book is having a wide sale in this country.

J. B. T.

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HANDBOOK OF THE LAW OF TORTS. By Edwin A. Jaggard. St. Paul: West Publishing Co. 1895. (Hornbook Series.) 2 vols. 8vo, pp. xvi, v, and 1307.

The merits of this work are very considerable, and far outweigh its defects. The author leaves the impression of a very able lawyer, who has personally investigated the authorities with great care and judgment, but who has put his book together in haste, and who has been hampered by a defect in the plan adopted by the publishers. Hence there is, to a certain extent, a lack of proportion; in some cases, overfulness for an elementary work; in other cases, a want of definiteness, and occasional passages which are liable to be misinterpreted. The prospectus of "The Hornbook Series" names as one of its features, notes "containing a copious citation of authorities." This seems a mistake in a work intended largely for students. It would be better to follow, in this regard, those model books, Anson on Contracts and Pollock on Torts, wherein the learned authors merely cite cases enough to illustrate the text, without any attempt to make an exhaustive collection of authorities. No doubt an American author labors under especial difficulties in compressing his citations within narrow limits; inasmuch as "the American law" (to use the words of Professor Hufcut) "is the law of upwards of fifty jurisdictions, while the English law is the law of but one." Still the American writer can take Anson and Pollock for his standard, and follow their example as far as the changed circumstances will permit. A copious citation of cases is likely to react, as it were, upon the text, and is almost sure to mar "the simplicity and conciseness of the author's treatment." To put the criticism in the form of a paradox, it is, in a certain sense, true, that the success of an elementary law book depends on what is left out.

But, after making all deductions for defect of plan and rapidity of execution, the book is a good one. The writer has ideas of his own, and is also familiar with the best ideas of other people, notably the recent English authors who have done so much to elucidate the law of torts, and who are as yet so little known on this side of the Atlantic. Undoubtedly, Sir Frederick Pollock's book, which Professor Jaggard justly places at the head, has been largely used in the United States; but it is probable that comparatively few American lawyers have even heard the names of Clerk and Lindsell, Pigott or Innes. Professor Jaggard has

not made up his book by copying bodily from these authors; but he has made an entirely justifiable use of their works by giving from time to time judicious selections, with proper acknowledgment. Moreover, he has grasped the leading modern conceptions in the law of torts, and has given proof that he is himself an original thinker.

The book fulfils the statement of the Preface, that it "is brought thoroughly down to date." The more important recent cases are generally given; and although, as has been said, fulness of citation may diminish the usefulness of the work to students, yet its value to the practising lawyer is thereby materially enhanced. (See, for instance, note 3 on page 474, containing a full collection of authorities and able comments on the interesting question so recently raised in *Hanson v. Globe Newspaper Co.*, 159 Mass. 293.)

As to the topics which should be dealt with in a treatise on "Torts," there is likely to be some difference of opinion. The writer of this notice thinks that some subjects usually discussed in books on "Torts" should be left to works on "Property," while others (and this includes a large class) should be left to "The Law of Persons." But Professor Jaggard, in including such topics in the present book, is simply following the example of able predecessors.

It seldom happens that all parts of a work are of equal merit. Professor Jaggard's treatment of Conversion seems inferior to his treatment of Deceit; while the chapter on "Wrongs affecting Reputation" is superior to the discussion of Juridical Cause. But the book, taken as a whole, is a distinctly creditable performance.

J. S.

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RESTRAINTS ON THE ALIENATION OF PROPERTY. By John Chipman Gray, LL.D., Royall Professor of Law in Harvard University. Second Edition. Boston: Boston Book Co. 1895. pp, xxix, 309.

The appearance of a second edition of this volume is significant of the rapid change that has taken place in the law regarding restraints on alienation. A dozen years ago, at the time of the first edition, the doctrine which it was one of the purposes of the book to discredit was still in its infancy. As yet few jurisdictions had followed the *dictum* in *Nichols v. Eaton*, 91 U. S. 716, in declaring that a man could enjoy the benefit of his property without being compelled to subject it to the payment of his debts, and the task of the writer at that time was to protest against the growth of this new doctrine, and to show by argument and authority how at variance it was with good morals and previous law. Since then decisions in favor of spendthrift trusts have been so rapidly multiplied that the weight of authority is now on the other side, and the writer almost stands (as he says in his delightful Preface) *vox clamantis in deserto*. This change in the aspect of the courts has given us this second edition, and with it not only a discussion of the more recent decisions, but also an explanation of the causes of this strange departure from the common law view of the incidents necessarily dependent upon ownership. The change is traced partly to the decision of the United States Supreme Court, but more generally to the modern reaction against the *laissez faire* doctrine, to the tendency to drift away from a society founded on contract, and to adopt a system of paternal socialism. Against this modern tendency the writer takes a strong stand in favor of the old doctrine, which, he says, "was a wholesome one, fit to produce a manly race, based on sound morality and wise philosophy."

To the layman who imagines law books to be the epitome of dust and